

REMARKS

Applicant has carefully reviewed the Office Action of April 20, 2005, and offers the following remarks to accompany the amendments presented above. Applicant appreciates the telephonic interview with Examiner Briney on June 30, 2005 wherein some of the issues raised below were addressed. Where appropriate, remarks from the interview are included below and serve as the Interview Summary required by the MPEP.

Applicant amends the specification to correct a few typographical errors. No new matter is added. Applicant amends the word "traditional" throughout the claim set to "PSTN-based". In light of the Federal Circuit's recent announcement in *PC Connector Solutions LLC v. SmartDisk Corp.*, 406 F. 3d 1359 (Fed. Cir. 2005), the use of the word "traditional" in the claims is no longer appropriate. As evidenced by the background of the invention portion of the specification, Applicant used "traditional" to distinguish a circuit-based or PSTN-based system from a packet-based telephone. No new matter is added by this change, but language that the Federal Circuit has recently construed as being overly limiting is changed to clarify its intended meaning.

Applicant further amends independent claims 1, 9, 12, 20, 23, 30, and 37 to clarify the intended meaning of "speed dial code". Specifically, the speed dial code is defined as being an abbreviated telephone number sequence. Support for this amendment can be found in Applicant's specification at paragraph 0006. This language also corresponds closely to the language that was discussed during the telephonic interview. No new matter is added.

Claims 4, 5, 10, 15, 16, 21, 26, 27, 33, 34, and 38 are amended to fix potential antecedent basis problems. No new matter is added.

Claims 1-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Strathmeyer et al. (hereinafter "Strathmeyer"). Applicant respectfully traverses. For the Patent Office to establish anticipation, the Patent Office must show where each and every claim element is located. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131.

The independent claims recited a speed dial code. The Patent Office indicated that the softswitch device 125 of Figure 1 of Strathmeyer receives a call initiation request from a gateway 120 including a telephone address, for example, a telephone number, and pointed to paragraphs 0043, 0044, and 0064 of Strathmeyer. The Patent Office further explained that the

telephone number corresponds to a speed dial code, as it represents a shorthand representation of a URL that corresponds directly to the virtual telephone address.

As amended, the independent claims clarify the nature of the speed dial code as an abbreviated telephone number sequence. In light of this clarification, the Patent Office's assertion that the telephone number is the same as the speed dial code is inappropriate. Specifically, Applicant initially notes that since the telephone number of Strathmeyer is not abbreviated in any manner, the telephone number cannot be a speed dial code as that term is now defined in the claims. Since Strathmeyer's telephone number no longer can be the speed dial code of the claims, Strathmeyer does not anticipate the independent claims. Since Strathmeyer does not anticipate the independent claims, Strathmeyer cannot anticipate the dependent claims.

Further, as explained during the telephonic interview, the 10-digit telephone number of Strathmeyer is not what is typically considered to be a speed dial code. The Patent Office concurred, but opined that under a broad reasonable interpretation, the 10-digit telephone number could be shorter than the URL address and thus the 10-digit telephone number was a form of speed dial code. When Applicant proposed amending the claim to clarify that the speed dial code was an abbreviated number sequence, the Patent Office clarified that Strathmeyer's 10-digit number could still be considered to be abbreviated relative to the URL, but opined that "an abbreviated telephone number sequence" would distinguish the claim element from the 10-digit shorthand representation of the URL of Strathmeyer. Applicant's amendment captures the distinction articulated by the Patent Office, and Strathmeyer does not anticipate the claims. Applicant requests withdrawal of the § 102(e) rejection of claims 1-39 at this time.

Applicant requests reconsideration of the rejection in light of the remarks and amendments presented herein. Strathmeyer does not teach or suggest that the speed dial code is an abbreviated number sequence. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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